

### **REMARKS**

Claims 1-4 are all the claims presently pending in the application. Claims 1-4 have been amended to more particularly define the invention.

It is noted that the claim amendments herein or later are not made to distinguish the invention over the prior art or narrow the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein or later should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 2-4 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lee (U.S. Patent No. 6,196,080).

These rejections are respectfully traversed in the following discussion.

### **I. THE CLAIMED INVENTION**

An exemplary aspect of the invention, as recited in claim 1, is directed to a select system for an automatic transmission having a select lever switching over between a mechanical automatic mode and an electrical manual mode including a single engaging protrusion provided to the select lever and extended for a predetermined distance to one side, and a rotatable linkage member having an engaging groove for inserting the engaging protrusion therein. When the select lever is in the automatic mode, the linkage member is rotatable with a shifting movement of the select lever by an engagement between the engaging protrusion and a part of the engaging groove so as to achieve mechanical transmission control of the automatic transmission. When the select lever is in the manual

mode, the engaging protrusion restricts an accidental rotation of the linkage member so as to avoid the mechanical transmission control of the automatic transmission, while the engaging protrusion disengages from the part of the engaging groove.

In a conventional select system, the rod 9 of a select lever 2 may be tapered to facilitate engagement and removal from a rod receiving hole 11 of a guide groove 10 in the linkage member 5. However, the rod 9 of the select lever 2 may disengage from the rod receiving hole 11 due to external factors, such as vibrations caused by the road surface, causing an unexpected change in the transmission from an automatic mode to a manual mode. (See Application at Figures 7 and 8, and page 2, lines 18-25)

Additionally, because the linkage member 5 is released from the select lever 2 in the manual mode 4 and not inhibited from rotating, the linkage member 5 may accidentally rotate due to external factors, such as above, which may lead to a forcible shift change of the automatic transmission, even when the select lever 2 is in manual mode 4. Thus, an accidental release of the select lever 2 from the gear position or an unexpected gear change could occur in the manual mode. (See Application at page 2, line 26 through page 3, line 6)

In the claimed invention, on the other hand, when the select lever is in the manual mode, the engaging protrusion restricts an accidental rotation of the linkage member so as to avoid mechanical transmission control of the automatic transmission, while the engaging protrusion disengages from the part of the engaging groove. These features, amongst others, prevent an accidental release of the select lever from a desired gear position or an unexpected shift change of the automatic transmission.

## II. THE 35 USC §112, SECOND PARAGRAPH REJECTION

Claims 2-4 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The claims have been amended, above, to overcome this rejection. Specifically, claims 2-4 have been amended to indicate that the engaging groove has a substantially convex shape in a side view of said automatic transmission.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

## III. THE LEE REFERENCE

The Examiner alleges that Lee teaches the claimed invention. Applicant submits, however, that there are elements of the claimed invention, which are neither taught nor suggested by Lee.

Lee discloses a shift/select lever unit for a dual-mode automatic transmission. (See Lee at Abstract)

However, Lee does not teach or suggest that “*when [the] select lever is in the manual mode, [the] engaging protrusion restricts an accidental rotation of the linkage member so as to avoid the mechanical transmission control of the automatic transmission, while [the] engaging protrusion disengages from the part of said engaging groove,*” as recited in independent claim 1. (Emphasis added)

Rather, Lee discloses a cable bracket 3 rotatably connected to a hinge member 8 and includes a connecting lever hole 9 into which a distal end of a connecting lever 5 is inserted (See Lee at Figures 2-4 and column 3, lines 56-58) The connecting lever hole 9 of Lee includes an auto mode section 15 and a manual mode section 16, the auto mode section 15

being smaller than the manual mode section 16. When the connecting lever 5 is inserted into the auto mode section 15, the select lever 2 is fixed in its relative motion with the cable bracket 3. When the connecting lever 5 is transferred into the manual mode section 16, the select lever 2 can be moved relative to the cable bracket 3. (See Lee at column 4, lines 12-26)

However, when in the manual mode, absent a rotation restriction mechanism, the cable bracket 3 in Lee can likewise rotate relative to the select lever 2, which may result in an accidental release of the select lever from a desired gear position or an unexpected shift change of the automatic transmission.

Thus, Lee discloses that the cable bracket 3 further includes a push lever or stopper hole 10 into which a stopper portion 17 of a flat spring 18 is inserted. Thus, when the connecting lever 5 is inserted into the manual mode section 16 of the connecting lever hole 9, the push lever 6 acts to insert the stopper portion 17 of the flat spring 18 in the push lever hole 10 to securely fix the cable bracket 3. (See Lee at Figures 3-4, column 3, lines 56-65)

In this manner, the flat spring 18, which is fixed to the main frame 14, firmly secures the cable bracket 3 in the drive range state so that the driver can reliably move the selector 2 within the manual mode region for upshifting and downshifting operations. (See Lee at column 4, lines 59-64)

Thus, the mechanism of the claimed invention for restricting the rotation of the linkage member in the manual (MT) mode is clearly different from that of Lee. The mechanism of the claimed invention restricts the rotation of the linkage member by an engaging protrusion (corresponding to the lever 5 of Lee) and the groove (corresponding to the lever hole 9 of Lee), while the mechanism of Lee restricts the rotation of the cable bracket

3 by the interaction of the push lever 6, the flat spring 18, and the push lever hole 10. (See Lee at column 4, line 48 through column 5, line 14)

In other words, the lever 5 and lever hole 9 of Lee do not work for restricting the rotation of the cable bracket 3 in the manual mode since the lever 5 is not inserted into the automatic mode section 15 when in the manual mode section 16. Thus, the mechanism of Lee requires another wholly separate mechanism for restricting the rotation of the cable guide 3 other than the lever 5 and lever hole 9, namely the push lever 6, the flat spring 18, and the push lever hole 10.

Clearly, there is no teaching or suggestion in Lee that when the select lever is in the manual mode, the engaging protrusion restricts an accidental rotation of the linkage member so as to avoid the mechanical transmission control of the automatic transmission, while the engaging protrusion disengages from the part of the engaging groove, as in the claimed invention.

Therefore, Applicant submits that there are elements of the claimed invention that are not taught or suggest by Lee. Therefore, the Examiner is respectfully requested to withdraw this rejection.

#### **IV. FORMAL MATTERS AND CONCLUSION**

The Examiner has objected to the drawings for failing to comply with 37 CFR 1.84(p)(4) because character “71” is used to designate separate parts in Figure 3. Applicant has amended Figure 3 to correct the reference numerals.

In view of the foregoing, Applicant submits that claims 1-4, all the claims presently pending in the application, are patentably distinct over the prior art of record and are

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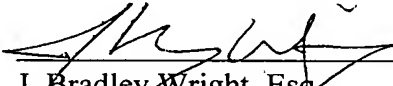
allowable, and that the application is in condition for allowance. Such action would be appreciated.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below to discuss any other changes deemed necessary for allowance in a telephonic or personal interview.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR §1.136. The Commissioner is authorized to charge any deficiency in fees, including extension of time fees, or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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**AMENDMENTS TO THE DRAWINGS:**

The attached annotated sheet of drawings includes changes to Figure 3. Further, a “replacement” sheet incorporating the proposed corrections is submitted herewith. Figure 3 has been amended to correct the reference numerals cited by the Examiner.



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Art Unit No. 3682  
Annotated Marked-up Drawings

FIG.3

